IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13377 of 2004**

Between:

Smt.M.C.Lakshmamma, W/o.B.Gopal, Jakkireddypalli Village, Kambadur Mandal, Anantapur Dist.

..... PETITIONER

AND

1 The Revenue Divisional officer, Dharmavaram Division,

Dharmavaram, Anantapur Dist.
2 The Joint Collector, Ananthapur, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus or any other appropriate writ, Declaring the action of the 2nd respondent in not suspending the operation of the orders in Rc.No.F/1576/2003 dt. 21-6-2004 of the 1st respondent, pending appeal is illegal, arbitrary and contrary to the law governing the field and in violation of Art.14 and 21 of constitution of India and consequently suspend the operation of the orders in R.C.No.F/1576/2003 dt.21-6-2004 of the 1st respondent and pass such other order or orders as the Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.D.GOWD

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

**The Court made the following O R D E R:**

The petitioner was appointed as fair price shop dealer for Jakkireddypalli Village, Kambadur Mandal, Ananthpur District on 29-08-2000. His authorization was cancelled by the Revenue Divisional Officer, Dharmavaram Division, Dharmavaram, Ananthapur District-the first respondent herein by proceedings dated 21-06-2004, after conducting due enquiry. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector, Ananthapur-the second respondent herein on 21-07-2004 along with an application seeking stay of the order of cancellation. The grievance of the petitioner is that the first respondent has not considered his application for stay and no orders have been passed so far. Hence, this writ petition challenging the order of cancellation dated 21-06-2004.

Since the statutory appeal preferred by the petitioner is pending before the first respondent, I am not inclined to express any opinion on the merits of the case. However, taking into consideration, the specific plea of the petitioner that his application for stay has been kept pending before the first respondent, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application of the petitioner filed for stay of the order of cancellation and to pass appropriate orders, in accordance with law, as expeditiously as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the petitioner shall be allowed to continue as the fair price shop dealer till the application for stay is disposed of.

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30-07-2004

Note:Furnish C.C by Monday

b/o

vrn

To

1 The Revenue Divisional officer, Dharmavaram Division,

Dharmavaram, Anantapur Dist.
2 The Joint Collector, Ananthapur, Ananthapur.

3 Two C.Cs to the Government Pleader for Civil Supplies,

High Court Buildings, A.P, Hyderabad (OUT)

4 Two C.D. copies